

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Adjourned Meeting
November 26, 2002

7:30 a.m.

Meeting Convened. An Adjourned Meeting of the York County Board of Supervisors was called to order at 7:40 a.m., Tuesday, November 26, 2002, in the Gallery, York Hall, by Chairman Donald E. Wiggins.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, and Thomas G. Shepperd.

James S. Burgett was absent.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

JOINT MEETING WITH YORK COUNTY LEGISLATORS

LEGISLATIVE PROGRAM 2003

Representing York County's legislative delegation were: Senator Martin E. Williams and Delegate Thomas Gear.

Mr. McReynolds reviewed the summary of requested legislation to be considered in the 2003 session of the General Assembly. He stated the Board has tried to be very sensitive to the fiscal situation and has tried to ask for nothing that would have a negative impact on the State's budget. In return, Mr. McReynolds asked that the members of the General Assembly be sensitive to the impact on the localities of any enacted legislation.

The County's legislative requests for 2003 were summarized as follows:

Impact of State Budget Cuts

Proposal:

- ? Provide local governments with the tools for directly generating revenues.
- ? Maintain the State's responsibility for assuring that adequate funding is provided to localities to effectively deliver mandated services.

Restore Virginia Juvenile Community Crime Control Act (VJCCCA) Funding at Earliest Opportunity

Proposal:

- ? No further reductions to the Virginia Juvenile Community Crime Control Act.
- ? Maintain a formula-driven allocation process for continuity and stability of funding rather than a discretionary grant.
- ? Require a bi-annual report to the General Assembly on program outcomes.

Economic Development

Request: Support HB351 (continued to the 2003 Assembly) relative to Enterprise Zones.

Virginia Retirement System

Request: Increase VRS retiree health insurance credit for local and school board employees from \$75 per month (for school division retirees) and \$45 per month (for local government retirees) to \$120 per month as allowed for State retirees.

Transportation Safety

Request: Include York County in legislation expanding the list of localities authorized to have "photo red" traffic signal enforcement.

Base Realignment and Closure Commission (BRAC)

Request: Appropriate \$250,000 which will be matched by an equal amount from the Hampton Roads Planning District Commission for the 2005 BRAC process.

Planning

Request: Amend Section 46.2-1220 of the Code of Virginia to include York County in the list of jurisdictions who have authority to regulate parking within their jurisdiction, including installation and maintenance of parking meters.

Planning Commission and Board of Zoning/Subdivision Appeals

Request: Amend Sections 15.2-2214 and 15.2-2309 relative to meetings of the Planning Commission and Board of Zoning Appeals, respectively, to add language similar to that currently found in Section 15.2-1416 allowing for the setting of dates for regular meetings and dates on which cancelled meetings will be continued. This will provide flexibility in conducting meetings that are cancelled due to weather or other conditions.

Clerk of Courts: Review and Approval of Plats

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Request: Legislation clarifying that any clerk of court may require local government review and approval of any plat (not limited to subdivision plats) prior to recordation.

Local Cigarette Tax

Request: Enabling legislation to provide all counties with authority to impose local taxes on the sale of cigarettes.

Senator Williams noted there was talk in Richmond about doing away with the Enterprise Zones. He stated there is a need to redefine what they are.

Mr. James W. Noel, Director of Economic Development, asked that the members of the General Assembly make it an even playing field with regard to Enterprise Zones so all localities can have one. He stated it is very difficult to compete with neighboring localities who have one.

Senator Williams stated he did not foresee any Enterprise Zones being approved until the process has been redefined.

Mr. Shepperd asked what about the VRS retirement bill would cause any resistance in the General Assembly.

Senator Williams stated he did not know, that perhaps there wouldn't be any resistance. He noted that at times a VRS issue is carried over and deferred to a VRS subcommittee. VRS would be looking at the impact any bill would have on the trust fund. He indicated he would look closely at the request.

Both Senator Williams and Mr. Gear indicated they did not think there would be any action taken on the request for the photo red monitoring bill.

Mr. Shepperd noted that the Sheriff has stated that wherever it has been implemented, it has had a tremendous impact in lowering accidents.

Chairman Wiggins stated the request was one of the Transportation Safety Commission's highest priorities.

Senator Williams suggested that VACo and VML take a combined stand on this issue. The photo red monitoring needs to be done across the board or not at all.

Mr. Gear noted that Delegate Phil Hamilton's position changed after a survey he conducted came back with overwhelming support for the monitoring from his constituents.

With regard to the request for a contribution for the 2005 BRAC, Senator Williams suggested that the issue may not pass on a regional basis. He suggested that it become a multi-regional effort, and it needs to be directed at the Governor for his support. He stated the more people throughout the State who support this issue, the better chance it will have.

With regard to the request for parking regulations, Senator Williams stated he thought the General Assembly had amended the bill to say that all localities had the authority. He stated he would put a bill in again if for some reason it wasn't done last year.

Both Senator Williams and Mr. Gear indicated their support of the request for an amendment to allow Planning Commissions and Boards of Zoning/Subdivision Appeals to set dates for regular meetings that are cancelled due to weather or other conditions.

Senator Williams indicated he had no problem with the request for legislation which would clarify that any clerk of court may require local government review and approval of any plat before it is recorded.

Mr. Gear asked why the Board was asking for just a cigarette tax and not on other issues impacting individuals' health.

Mr. Barnett noted that historically bills have been submitted to give counties the same enabling legislation as cities, and this request was just another to equalize the taxing authority of counties and cities.

Discussion followed on taxation of other health issues versus equalizing taxation power of cities and counties. Also discussed were political aspects of tobacco taxation.

Senator Williams indicated he felt the cigarette tax bill would probably get passed out of the Finance Committee and referred to the Agricultural Committee where it will be killed. He stated if the bill got to the floor, he felt it would have a 60/40 chance of being passed in the Senate. Senator Williams suggested that this will be the best year to push for something like the cigarette tax. There won't be any revenue enhancements, and there won't be any tax increases.

Mr. Gear noted he understood why the County wished to have the cigarette tax.

Senator Williams then summed up the review by indicating he and the other legislators would circulate the County's requests and see what they will be willing to support. He stated he would let the Board know the outcome.

Mrs. Anne Smith, Director of Community Development, then briefly discussed the impact on services within the jurisdictions in Virginia because of the budget cuts. She stated the localities are trying to struggle along knowing that the funding won't be restored with the budget deficit this year. If there are any further reductions, Mrs. Smith stated she failed to see how the non-mandated programs can continue. She briefly reviewed the legislative program of the Middle Peninsula Detention Commission, stating these were programs of alternatives to State corrections facilities and foster care. It may cost \$40,000-\$50,000 a year for a child to be in one of these programs, but if a judge puts one in foster care or a detention facility, the cost goes up to \$250,000 a year. Mrs. Smith stated it is the untended consequences of the budget cuts that will cost the State more money for much less appropriate services. She asked the legislative delegation to support needed changes as recommended by the Office of the Secretary of Health and Human Resources. She also asked that the General Assembly make no further reductions in these programs at this time.

Mr. Zaremba asked Senator Williams or Mr. Gear to comment on the interaction between the General Assembly and what the Governor is going to do through this next session. He asked what role will the General Assembly play in challenging or working with the Governor.

Senator Williams stated the Governor proposes, and the General Assembly disposes. It is up to the General Assembly to establish the priorities. Many members of the General Assembly feel the State is down to the bare bones this year in that once that which is mandated is taken

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out, there is only 25 percent of the budget left. He stated he did not feel good about it, but it will be the most interesting priority-setting session he has participated in. Senator Williams stated there will be some very important issues/services cut from the budget.

Mrs. Noll addressed the need to restructure the tax system in Virginia. She stated the State is passing down more and more costs, even though these costs are hidden at times.

Mr. Shepperd asked that the General Assembly keep the public informed of the true picture of the State's budget crisis. He noted that the public doesn't always understand the mandated items, who mandates them, and who they need to talk to about getting them unmandated.

Senator Williams stated the needs of the area will never be met with the current revenue stream. He cited the failure of the transportation referendum as an example of the people not understanding the needs until it hits home personally for them.

Chairman Wiggins thanked Senator Williams and Mr. Gear for meeting with the Board this morning, and he asked them to contact the Board members or its staff if they had need of any assistance during the upcoming session of the General Assembly.

Meeting Adjourned. At 9:00 a.m. Chairman Wiggins declared that the meeting be adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

Donald E. Wiggins, Chairman
York County Board of Supervisors